

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

NORMAN SEABROOK, and
MURRAY HUBERFELD,

Defendants.

:
:
: DECLARATION

: 16 Cr. 467 (ALC)

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I, JOSEPH DOWNS, pursuant to Title 28, United States Code, Section 1746, hereby declare under penalty of perjury:

1. I have been a special agent with the Federal Bureau of Investigation (the "FBI") for approximately 12 years, and I have been and currently am assigned to a New York City based FBI squad that principally investigates public corruption cases.

Orders of Interception

2. Attached to this Declaration as Exhibit 1, Exhibit 2, and Exhibit 3, are true and correct copies of the following:

- Exhibit 1 - the January 10, 2015 order (the "January 2015 Order") signed by the Honorable Valerie E. Caproni, authorizing the interception of wire communications of a cellular telephone belonging to Jona Rechnitz (the "Rechnitz Phone") and a cellular telephone belonging to Jeremy Reichberg (the "Reichberg Phone").
- Exhibit 2 - the February 19, 2015 order (the "February 2015 Order") signed by the Honorable

Andrew L. Carter, Jr., authorizing the interception of wire communications of the Rechnitz Phone and the Reichberg Phone.

- Exhibit 3 - the April 10, 2015 order (the "April 2015 Order") signed by the Honorable Robert W. Sweet authorizing the interception of wire communications of the Rechnitz Phone and the Reichberg Phone.

Affidavits in Support of Interception

3. Attached to this Declaration as Exhibit 1A, Exhibit 2A, and Exhibit 3A, are true and correct copies of the following:

- Exhibit 1A - the January 10, 2015 affidavit of Special Agent Joseph Downs in support of the January 2015 Order (the "January 2015 Aff.") seeking authority to intercept wire communications of the Rechnitz Phone and the Reichberg Phone.
- Exhibit 2A - the February 19, 2015 affidavit of Special Agent Joseph Downs in support of the January 2015 Order (the "February 2015 Aff.") seeking authority to intercept wire communications of the Rechnitz Phone and the Reichberg Phone.
- Exhibit 3A - the April 10, 2015 affidavit of Special Agent Joseph Downs in support of the January 2015 Order (the "April 2015 Aff.") seeking authority to intercept wire communications of the Rechnitz Phone and the Reichberg Phone.

Minimization Instructions

4. Attached to this Declaration as Exhibit 1B, Exhibit 2B, and Exhibit 3B, are true and correct copies of minimization instructions relating to the January 2015 Order

(Exhibit 1B), the February 2015 Order (Exhibit 2B), and the April 2015 Order (Exhibit 3B).

Periodic Report

5. Attached to this Declaration as Exhibit 4, is a true and correct copy of a periodic report dated April 22, 2015.

Interception of the Rechnitz and Reichberg Phones

6. Prior the commencement of the interception of communications pursuant to the January 2015 Order, February 2015 Order, and April 2015 Order, the minimization instructions attached as Exhibits 1B, 2B, and 3B were provided to the FBI team that would be conducting the monitoring of the wire communications and were read to certain members of that team by one of the Assistant United States Attorneys supervising the interception. The minimization instructions, along with the interception orders (Exhibits 1, 2, and 3), and the agent affidavits (Exhibits 1A, 2A, and 3A), were posted in the wire room, and all monitoring agents were required to sign a form confirming that they had reviewed the instructions. The contact information of a supervising Assistant United States Attorney was also posted in the wire room.

7. During the 90 day period of interception monitoring agents kept monitoring logs, i.e., linesheets, which provided brief summaries of intercepted communications.

8. The FBI has run a report of statistics relating to the calls intercepted during the 90 day period of interception, which shows the following:

a. Over 3,000 calls were intercepted over each of the Rechnitz Phone and the Reichberg Phone, totaling over 6,000 calls.

b. With respect to calls involving Murray Huberfeld only, on both the Rechnitz Phone and the Reichberg Phone there were a total of 293 calls intercepted, including 3 non-pertinent calls that were greater than 2 minutes in length, meaning with greater than 2 minutes of content, i.e, excluding ring time, that were not minimized, as follows:

Rechnitz Phone

Number of intercepted calls:	170
Number of calls marked pertinent:	69
Number of calls marked non-pertinent:	101
Number of calls greater than 2 minutes:	54
Number of non-pertinent calls greater than 2 minutes not minimized	3

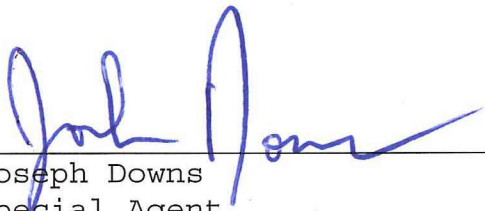
Reichberg Phone

Number of intercepted calls:	123
Number of calls marked pertinent:	38
Number of calls marked non-pertinent:	85
Number of calls greater than 2 minutes:	20

Number of non-pertinent calls greater than 2 minutes not minimized	0
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c. The FBI has reviewed certain sessions from the Reichnetz and Reichberg phones and have determined the following: (i) Reichnetz Phone Sessions 4195, 4760, 4798, and 5733; and Reichberg Phone Session 8854, were calls which were minimized; (ii) Reichnetz Phone Sessions 1993 and 3987 had fewer than 2 minutes of content because of, among other things, call ring time; and (iii) Reichberg Phone Session 8855 had no content.

Dated: New York, New York
July 28, 2017



Joseph Downs
Special Agent
FBI